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November 8, 2020

**Via ECF**

Honorable Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Singh v. Kaur, et al.**  
**Civil Action No.: 19-cv-6927**

Dear Judge Cogan:

This firm represents Defendants Neelam Construction Corporation (“Neelam”) and Western Surety Company (“Western”) (cumulatively “Answering Defendants”) in the above referenced action. Answering Defendants respectfully request a pre-motion conference pertaining to a discovery dispute that arose during this litigation. The discovery deadline in this action is November 13, 2020.

Plaintiffs and Answering Defendants request an additional thirty (30) day extension for discovery to allow Plaintiffs more time to respond to Answering Defendants’ correspondences dated October 7, 2020 and October 29, 2020 requesting that they cure certain deficiencies in their responses to Answering Defendants discovery requests and to give time for the parties to conduct depositions.

If the court is not inclined to extend the fact discovery deadline, Answering Defendants request that a pre-motion conference be scheduled for the court to order the deposition of the Plaintiffs, Jagdev Singh and Kuldeep Singh, or in the alternative, to permit Answering Defendants to file a Motion to Compel the Plaintiffs’ Depositions as the **Plaintiffs have refused to appear for depositions in this matter**. Answering Defendants served Deposition Notices on Plaintiff’s counsel, compelling Plaintiffs Jagdev Singh and Kuldeep Singh to appear for depositions on October 30, 2020 and November 3, 2020 respectively. On October 29, 2020, Answering Defendants contacted counsel for Plaintiffs, Jonathan Silver, Esq., to advise him that Plaintiffs have yet to fully respond to the Answering Defendants’ paper discovery. Answering Defendants indicated that notwithstanding this lack of full response by Plaintiffs, Answering Defendants would still take the deposition of Jagdev Singh on October 30<sup>th</sup> with the right to recall Jagdev Singh in the event that the missing paper discovery from the Plaintiff made it impossible to complete Jagdev Singh’s deposition. Plaintiff’s counsel did not agree with this but indicated that he

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would advise Answering Defendants' counsel of another date when Jagdev Singh would be available to be deposed as soon as possible. He has yet to do this.

Answering Defendants were ready to proceed with the deposition of Kuldeep Singh on November 3, 2020. Upon sending a confirmatory email on November 2<sup>nd</sup>, with information for Kuldeep Singh to log into the Zoom conference for the deposition, Answering Defendants heard, for the first time, that Plaintiffs' counsel would not be producing Kuldeep Singh for his deposition on the following morning. On November 4, 2020, Plaintiffs' attorney advised the undersigned that he will not schedule his clients for depositions stating that "there are issues I must resolve with them before we move forward."

The Answering Defendants have made numerous attempts to meet and confer and to schedule the depositions of the Plaintiffs through email and teleconference to no avail. As the discovery deadline is on November 13, 2020 and time is of the essence for the Answering Defendants to depose Plaintiffs, Jagdev Singh and Kuldeep Singh, the Answering Defendants request that the court either set dates for depositions of Plaintiffs, or, in the alternative, allow Answering Defendants to file a Motion to Compel the Depositions of Jagdev Singh and Kuldeep Singh after the discovery deadline but before dispositive motions are scheduled to be filed in this action.

Thank you in advance for your courtesies and attention to this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Eugene Zaydfudim".

Eugene Zaydfudim, Esq.

cc:

Jonathan Silver, Esq. (via e-mail)